

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RICHARD KLEIN,

Petitioner,

Case No. C-1-01-794

v.

Judge Beckwith

HAROLD CARTER, WARDEN,

Magistrate Judge Black

Respondent.

**RESPONDENT'S MOTION FOR EXTENSION OF TIME TO FILE AMENDED
RETURN OF WRIT**

Now comes Respondent, by and through counsel, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully moves this Court for an order granting an extension of time of thirty days, through and including December 16, 2004, in which to file an amended return of writ.

Respectfully submitted,

Jim Petro
Ohio Attorney General

S/Diane Mallory
Diane Mallory (0014867)
Assistant Attorney General
Corrections Litigation Section
150 East Gay Street, 16th Floor
Columbus, Ohio 43215
(614) 644-7233

MEMORANDUM IN SUPPORT

On June 21, 2004, the Magistrate Judge issued an order granting Petitioner's motion to file an amended petition and ordered the Respondent to file an amended return of writ within 20 days of that amended petition being filed. Respondent filed objections, and on October 27, 2004, this Court issued an order overruling Respondent's objections. Respondent calculates that the amended return of writ is due 20 days from that order, or on November 16, 2004. Respondent hereby requests an extension of time of 30 days, until December 16, 2004, in which to file an amended return of writ. The reason for the request is the heavy caseload and other deadlines of Respondent's counsel. Respondent would also point out that the amended petition is more than 100 pages long, and counsel needs additional time in order to respond to the lengthy petition.

Respectfully submitted,

Jim Petro
Ohio Attorney General

S/Diane Mallory
Diane Mallory (0014867)
Assistant Attorney General
Corrections Litigation Section
150 East Gay Street, 16th Floor
Columbus, Ohio 43215
(614) 644-7233

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed by regular, first-class mail to Richard Klein, #350-022, Ross Correctional Institution, P. O. Box 7010, Chillicothe, Ohio 45601, on the 12th day of November, 2004.

S/Diane Mallory